

Ms. Pastel
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In an attempt to support this ridiculous statement, the Advertisement cites Mr. Renacci's vote in favor of repealing the Affordable Care Act (hereinafter, "ACA"). The Grassley Amendment to the ACA provided that current Members of Congress would be required to join certain health care exchanges. To be clear, this amendment only applied to current Members of Congress, and current Members of Congress ONLY. This means that as long as the ACA is the law of the land, current Members of Congress are required to join these health care exchanges which are, in fact, taxpayer-funded. However, what is critical to understand is that, prior to the ACA, Members of Congress, both current and former, were permitted to purchase health insurance through the Federal Employees Health Benefits Program ("FEHBP"), which covers more than 8 million other federal employees, retirees and their families, and, most importantly, also happens to be taxpayer-funded. Therefore, regardless of whether ACA is repealed or remains the law of the land, Members of Congress will continue to have access to "taxpayer-funded health care for life." No vote taken during this Congress, or Mr. Renacci's career, in fact, would affect the truth of this statement. Period. To suggest that Mr. Renacci voted for a bill to give lawmakers taxpayer-funded health care for life is a blatantly false. It is nothing more than attempt by the DCCC to mislead voters and distort Mr. Renacci's record.

Frankly, the carelessness evidenced by the DCCC in the making of this Advertisement is astounding. Regardless of Mr. Renacci's vote to repeal the Affordable Health Care Act, retirement health benefits for former Members of Congress would not change at all. In creating this deceptive Advertisement, the DCCC has chosen fear-mongering over fact, obviously in hopes that by repeating a falsehood enough times, it will become true. We urge you not to become a part of this political ploy.

Importantly, this attack by the DCCC does not constitute a "candidate use." Under *Columbia Broadcasting Sys., Inc. v. Democratic Nat'l Comm.*, 412 U.S. 94 (1973), and *Nat'l Conservative Political Action Comm.*, 89 FCC 2d 626 (1982), your network is not obligated to air any advertisements from third parties, such as the DCCC, as third parties have no guaranteed right of access to air their advertisements on your network. Thus, broadcasting stations are not protected from legal liability for airing a false and misleading advertisement sponsored by the DCCC.

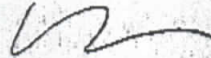
Moreover, you have a duty "to protect the public from false, misleading or deceptive advertising." *Licensee Responsibility With Respect to the Broadcast of False, Misleading or Deceptive Advertising*, 74 F.C.C.2d 623 (1961). Failure to prevent the airing of "false and misleading advertising" may be "probative of an underlying abdication of licensee responsibility." *Cosmopolitan Broad. Corp. v. FCC*, 581 F.2d 917, 927 (D.C. Cir. 1978). We urge you to recognize the DCCC's blatant disregard for the truth and we respectfully demand that your network refuse to air this false and misleading Advertisement. We further request that you reject any attempts by the DCCC to purchase time for the future airing of this Advertisement because of its material misstatements of fact and blatant disregard for the truth of the matter.

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Thank you in advance for your prompt attention to this matter. We would respectfully request the courtesy of a reply; and if you have questions, or believe that this ad is somehow fit for airing on your station, we ask that we have an opportunity to discuss this matter further. I can be reached directly at 216.274.2392.

It is my understanding that the Advertisement may already be running. I urge you to remove it, at least until we have had a chance to discuss this. I am confident that with consideration you will agree that it is inappropriate for your station to air this seriously false and misleading Advertisement. If we do not hear back from you promptly, we will have to take legal action.

Sincerely yours,



Mark R. Koberna

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9/7/12
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